

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOE MEREDITH,

Petitioner,

No. CIV S-05-0430 MCE KJM P

vs.

D.L. RUNNELS, et al.,

Respondents.

ORDER

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Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner has not, however, filed an in forma pauperis affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). Petitioner will be provided the opportunity to either submit the appropriate affidavit in support of a request to proceed in forma pauperis or submit the appropriate filing fee.

The court requires all petitions for writ of habeas corpus be filed on the proper form which is provided by this court. Moreover, the court may limit its review of the petition for relief to the information on the form only and need not consider any memoranda or attachments to the petition. See Rule 2(c), Rules Governing § 2254 Cases.

Petitioner is hereby notified that in order for this court to review his application, he must refile his petition on the proper form. Furthermore, although petitioner may submit a

1 separate memorandum to support his petition for relief, the court's application form must contain  
2 all relevant claims, and must provide the court with all necessary information.

3           Petitioner has also requested the appointment of counsel. There currently exists  
4 no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105  
5 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of  
6 counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Fed. R.  
7 Governing § 2254 Cases. In the present case, the court does not find that the interests of justice  
8 would be served by the appointment of counsel at the present time.

9           In accordance with the above, IT IS HEREBY ORDERED that:

10           1. Petitioner's application for writ of habeas corpus is dismissed with leave to  
11 amend within thirty days from the date of this order;

12           2. Any amended petition must be filed on the form employed by this court and  
13 must state all claims and prayers for relief on the form. It must bear the case number assigned to  
14 this action and must bear the title "Amended Petition" and must be accompanied by the filing fee  
15 or an application to proceed in forma pauperis;

16           3. The Clerk of the Court is directed to send petitioner this court's form for a  
17 petition for a writ of habeas corpus and an application to proceed in forma pauperis; and

18           4. Petitioner's March 3, 2005 request for appointment of counsel is denied  
19 without prejudice to a renewal of the motion at a later stage of the proceedings.

20 DATED: May 20, 2005.

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23 UNITED STATES MAGISTRATE JUDGE  
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